

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: David J. Bates  
Title: TIME RECORDING AND  
MANAGEMENT SYSTEM  
Appl. No.: 10/763,832  
Filing Date: 01/23/2003  
Examiner: Cheryl Lewis  
Art Unit: 2167

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below	
_____ Todd A. Rathe (Printed Name)	
_____ (Signature)	
_____ (Date of Deposit)	

**DECLARATION UNDER 37 C.F.R. § 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Todd A. Rathe, state and declare that:

1. I have information regarding U.S. Patent Application No. 10/763, 832 titled "TIME RECORDING AND MANAGEMENT SYSTEM" (hereinafter "the '832 application").
2. Prior to the July 26, 2002, the filing date of U.S. Patent Application Serial No. 10/205,204, I used the program constituting a reduction to practice of the ideas set forth in the claims 1-32 in the '832 application and described in the '832 application as evidenced by the attached Exhibit.
3. The attached entire Exhibit (including the sheets labeled "FIG. 3", "FIG. 6", "FIG 8", "FIG. 9", "EXHIBIT E", "EXHIBIT F", "EXHIBIT G", "EXHIBIT B", EXHIBIT C" AND EXHIBIT D") is an exact copy of the redacted screenshots included in US provisional application serial number 60/442,145, from which the present application claims priority. The sheet labeled "FIG. 8" evidences my use of the program as early as February 2002. I personally made the data entries which resulted in the display of the values depicted

in FIGs. 3 and 8. The notation "TAR Time Spreadsheet" evidences my use of this program in that my initials are "TAR". Each of the screenshots of the entire Exhibit were taken from a spreadsheet and associated macros which was reduced to practice before July 26, 2002. The sheet labeled "FIG. 3" indicates that the daily timesheet is for the fiscal year 2002, which in the particular circumstance ended on January 31, 2003. The sheet labeled "FIG. 8" further indicates reduction to practice and use of the program as early as February, 2002. Note that time values were calculated for the entire month of February 2002. The sheet labeled "FIG. 9" further evidences use of the program as early as 2002. The sheets labeled "EXHIBIT E", "EXHIBIT F", and "EXHIBIT G" (labels from the provisional application (60/442,145) provide software code for the program. This software code was used to generate the numerical values and other items shown in cells of screen displays depicted in the above described Figs. 3, 8 and 9. The sheets labeled "EXHIBIT B", "EXHIBIT C" and "EXHIBIT D" (labels from the provisional application (60/442,145) illustrate formulas (including associated function calls and links) in the cells of a spreadsheet. These are the same formulas used to generate the numerical values and other items shown in the cells of the screen displays depicted in the above described Figs. 3, 8 and 9.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date 2-1-2007

By Todd A. Rathe  
Todd A. Rathe

XXX.XXXXXX.XA



FIG. 9

16

94

Microsoft Excel - 41179187.v1 - 390000/301 - TAR Time Spreadsheet																								
File Edit View Insert Format Tools Data Window Help																								
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z																								
1																								
2																								
3	Month	Hours	Target Monthly Avg.	Planned/Actual	Random Calculations																			
4	January	137.0	162.5	(25.5)																				
5	February	137.0	162.5	(25.5)																				
6	March	146.7	162.5	(15.8)																				
7	April	167.5	162.5	(5.0)																				
8	May	146.7	162.5	(15.8)																				
9	June	126.8	162.5	(35.7)																				
10	July	193.0	162.5	(30.5)																				
11	August	201.8	162.5	(39.3)																				
12	September	111.8	162.5	(50.7)																				
13	October	114.6	162.5	(47.9)																				
14	November	110.0	162.5	(52.5)																				
15	December	132.9	162.5	(29.6)																				
16	January	192.2	162.5	(29.7)																				
17	TOTAL	1,651.8	1,900.0	(248.2)																				
18	Target	1950																						
19																								
20	New Users: Type in the number of hours worked (suitable and non-suitable)																							
21	in columns C and D as the year goes on.																							
22	Your monthly hours will be calculated at the upper right, and																							
23	these numbers will go toward calculating your Pace* number.																							
24																								
25	January	137.0	162.5	(25.5)																				
26	February	137.0	162.5	(25.5)																				
27	March	146.7	162.5	(15.8)																				
28	April	167.5	162.5	(5.0)																				
29	May	146.7	162.5	(15.8)																				
30	June	126.8	162.5	(35.7)																				
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35	November	110.0	162.5	(52.5)																				
36	December	132.9	162.5	(29.6)																				
37	January	192.2	162.5	(29.7)																				
38	TOTAL	1,651.8	1,900.0	(248.2)																				
39	Target	1950																						
40																								
41	Ready																							
42	Status: [Icons] [																							

```
Sub InsertTime()
'
' Macro1 Macro
' Macro recorded 2/13/2001 by
'
' Keyboard Shortcut: Ctrl+x
'
CurrRow = ActiveCell.Row
CurrCol = ActiveCell.Column
If CurrRow < 8 Then Exit Sub
If CurrCol = 1 Then
    Cells(10000, 1).Select
    ActiveCell.End(xlUp).Select
    If ActiveCell.Value = Date Then
        TodayStarted = True
        MsgBox "Today has already been started. Nothing to do."
        Exit Sub
    Else
        TodayStarted = False
        Cells(ActiveCell.Row, 4).Select
        Do While Cells(ActiveCell.Row + 1, 4).Value > 0
            Cells(ActiveCell.Row + 1, 4).Select
        Loop
        Cells(ActiveCell.Row + 3, 1).Select
        ActiveCell.Value = Date
        ActiveCell.Offset(0, 1).Select
        CurrCol = 2
    End If
End If
Select Case CurrCol
Case 2
    If ActiveCell.Value <> "" And ActiveCell.Value <> ActiveCell.Offset(-1, 1).Value And
ActiveCell.Offset(-1, 1).Value <> "" Then
        ActiveCell.Value = ActiveCell.Offset(-1, 1).Value
    Else
        ActiveCell.FormulaR1C1 = "=NOW()-TRUNC(NOW())"
        Selection.Copy
        Selection.PasteSpecial Paste:=xlValues, Operation:=xlNone, SkipBlanks:= _
        False, Transpose:=False
        ActiveCell.Offset(0, 1).Activate
        ActiveCell.Value = ActiveCell.Offset(0, -1).Value + 1 / (10 * 24)
    End If
Case 3
    SystemHour = Hour(Time)
    SystemMinute = Minute(Time)
    SystemTime = (SystemHour / 24) + (SystemMinute / (60 * 24))
```

EXHIBIT E

```

TimeDiff = Abs(SystemTime - ActiveCell.Offset(0, -1).Value)
If TimeDiff < 1 / (60 * 24) Then
    ActiveCell.Value = ActiveCell.Value + 1 / (10 * 24)
Else
    ActiveCell.FormulaR1C1 = "=NOW()-TRUNC(NOW())"
    Selection.Copy
    Selection.PasteSpecial Paste:=xlValues, Operation:=xlNone, SkipBlanks:= _
        False, Transpose:=False
End If
Case 5, 6, 7, 8
    If Cells(CurrRow, 5) = "" And Cells(CurrRow, 6) = "" And Cells(CurrRow, 7) = "" And
Cells(CurrRow, 8) = "" Then
        Range(Cells(CurrRow, 5), Cells(CurrRow, 7)).Value = Range(Cells(CurrRow - 1, 5),
Cells(CurrRow - 1, 7)).Value
    Else
        Cells(10000, 1).Select
        ActiveCell.End(xlUp).Select
        CurrDate = Date
        If ActiveCell.Value = CurrDate Then
            TodayStarted = True
        Else
            TodayStarted = False
        End If

        Cells(ActiveCell.Row, 4).Select
        Do While Cells(ActiveCell.Row + 1, 4).Value > 0
            Cells(ActiveCell.Row + 1, 4).Select
        Loop

        If TodayStarted Then
            NewRow = ActiveCell.Row + 1
            NewCol = 2
        Else
            NewRow = ActiveCell.Row + 3
            NewCol = 1
            Cells(NewRow, NewCol).Select
            ActiveCell.Value = Date
            ActiveCell.Offset(0, 1).Select
        End If

        Cells(NewRow, 2).Select
        ActiveCell.FormulaR1C1 = "=NOW()-TRUNC(NOW())"
        Selection.Copy
        Selection.PasteSpecial Paste:=xlValues, Operation:=xlNone, SkipBlanks:= _
            False, Transpose:=False
        ActiveCell.Offset(0, 1).Activate

```

EXHIBIT E

Selection.PasteSpecial Paste:=xlValues

If CurrCol = 8 Then

Range(Cells(NewRow, 5), Cells(NewRow, 8)).Value = Range(Cells(CurrRow, 5),  
Cells(CurrRow, 8)).Value

Else

Range(Cells(NewRow, 5), Cells(NewRow, 7)).Value = Range(Cells(CurrRow, 5),  
Cells(CurrRow, 7)).Value

End If

End If

End Select

Application.CutCopyMode = False

End Sub



EXHIBIT F

Public FormCancelled As Boolean  
 Public ReportOption As Integer  
 Public NextRow As Integer

Sub TotalTime()  
 ,

' Macro1 Macro

' Macro recorded 02/13/2002 by David Bates  
 ,

ReportOption = 0  
 Load TimeUpdtRptGnrt  
 TimeUpdtRptGnrt.Show  
 TimeUpdtRptGnrt.Hide  
 Unload TimeUpdtRptGnrt

If ReportOption = 0 Then Exit Sub

Sheets("Daily Timesheet").Select

CurrRow = ActiveCell.Row

CurrCol = ActiveCell.Column

NextRow = CurrRow

Select Case ReportOption

Case 0

Exit Sub

Case 1, 2, 4

NextRow = HandleOneDay(NextRow)

Case 3

NextRow = 10000

Cells(NextRow, CurrCol).Select

Do While NextRow > 8

NextRow = HandleOneDay(NextRow)

Loop

End Select

Cells(CurrRow, CurrCol).Select

End Sub

Function HandleOneDay(xRow)

Sheets("Daily Timesheet").Select

Cells(NextRow, 1).Select

If Cells(ActiveCell.Row, 1).Value = "" Then

ActiveCell.End(xlUp).Select

End If

CurrDate = ActiveCell.Value

UpperRow = ActiveCell.Row

LowerRow = UpperRow

Do While Cells(LowerRow + 1, 4).Value > 0

E111917 F

```

LowerRow = LowerRow + 1
Loop
NextRow = UpperRow - 2

Range("B" + Format(UpperRow) + ":" + "K" + Format(LowerRow)).Select
Selection.Sort Key1:=Range("E" + Format(UpperRow)), Order1:=xlAscending,
Key2:=Range("F" + Format(UpperRow) _
), Order2:=xlAscending, Header:=xlNo, OrderCustom:=1, MatchCase:=False _
, Orientation:=xlTopToBottom

If Cells(1, 10).Value = "TAR" Then
    TARMethod = True
Else
    TARMethod = False
End If

TotalHours = 0
TotalBill = 0
TotalNonBill = 0
SubTotalHours = 0
For x = UpperRow To LowerRow
    SubTotalHours = SubTotalHours + Cells(x, 4).Value
    If Cells(x, 7).Value = "N" Or Cells(x, 7).Value = "n" Then
        NonBill = True
        Cells(x, 9).Value = "--"
        Cells(x, 10).Value = Cells(x, 4).Value
    Else
        NonBill = False
        Cells(x, 9).Value = Cells(x, 4).Value
        Cells(x, 10).Value = "--"
    End If

    If Cells(x, 5).Value <> Cells(x + 1, 5).Value Or Cells(x, 6).Value <> Cells(x + 1, 6).Value Or
    Cells(x, 7).Value <> Cells(x + 1, 7).Value Or x = LowerRow Then
        If TARMethod Then
            SubTotalHours = Application.WorksheetFunction.Ceiling((SubTotalHours - 1 / 60), 0.1)
        End If
        If NonBill Then
            TotalNonBill = TotalNonBill + SubTotalHours
        Else
            TotalBill = TotalBill + SubTotalHours
        End If
        TotalHours = TotalHours + SubTotalHours
        If ReportOption = 2 Then
            Cells(x, 11).Value = ""
        Else

```

EXH1817 F

```

        Cells(x, 11).Value = SubTotalHours
    End If
    SubTotalHours = 0
    If ReportOption <> 2 Then
        Range(Cells(x, 1), Cells(x, 11)).Select
        DrawBottomLine (True)
    End If
Else
    Cells(x, 11).Value = ""
End If
Next x

If ReportOption = 2 Then
    Range(Cells(LowerRow + 1, 9), Cells(LowerRow + 1, 11)).Font.Bold = False
    Cells(LowerRow + 1, 9).Value = ""
    Cells(LowerRow + 1, 10).Value = ""
    Cells(LowerRow + 1, 11).Value = ""
Else
    Range(Cells(LowerRow + 1, 9), Cells(LowerRow + 1, 11)).Font.Bold = True
    Cells(LowerRow + 1, 9).Value = TotalBill
    Cells(LowerRow + 1, 10).Value = TotalNonBill
    Cells(LowerRow + 1, 11).Value = TotalHours
End If

Sheets("2002").Select
Cells(4, 2).Select
MatchingRow = 4
Do While Cells(MatchingRow, 2).Value <> CurrDate
    MatchingRow = MatchingRow + 1
    If MatchingRow > 400 Then
        MsgBox "Unable to update time because day match not found" + Chr(13) & Chr(10) +
        "Dates must be entered with four digit years, e.g., 1/1/2002"
        Exit Do
    End If
Loop
Cells(MatchingRow, 3).Value = TotalBill
Cells(MatchingRow, 4).Value = TotalNonBill

Sheets("Daily Timesheet").Select
Range("A" + Format(UpperRow) + ":" + "K" + Format(LowerRow)).Select
If ReportOption = 2 Then
    RemoveAllLines (True)
    Range("B" + Format(UpperRow) + ":" + "K" + Format(LowerRow)).Select
    Selection.Sort Key1:=Range("B" + Format(UpperRow)), Order1:=xlAscending,
    Header:=xlNo, _
    OrderCustom:=1, MatchCase:=False, Orientation:=xlTopToBottom

```

EXHIBIT F

```

Else
    DrawThickBorder (True)
End If

If ReportOption = 1 Then
    Dim printRange As String
    printRange = "A" + Format(UpperRow) + ":" + "K" + Format(LowerRow + 1)
    With Worksheets("Daily Timesheet")
        .PageSetup.PrintArea = printRange
        .PrintOut
    End With
End If

HandleOneDay = UpperRow - 2
End Function

Function DrawBottomLine(DrawBottom)
With Selection.Borders(xlEdgeBottom)
    .LineStyle = xlContinuous
    .Weight = xlThin
    .ColorIndex = xlAutomatic
End With
End Function

Function RemoveAllLines(RemoveLines)
Selection.Borders(xlDiagonalDown).LineStyle = xlNone
Selection.Borders(xlDiagonalUp).LineStyle = xlNone
Selection.Borders(xlEdgeLeft).LineStyle = xlNone
Selection.Borders(xlEdgeTop).LineStyle = xlNone
Selection.Borders(xlEdgeBottom).LineStyle = xlNone
Selection.Borders(xlEdgeRight).LineStyle = xlNone
Selection.Borders(xlInsideVertical).LineStyle = xlNone
Selection.Borders(xlInsideHorizontal).LineStyle = xlNone
End Function

Function DrawThickBorder(Border)
With Selection.Borders(xlEdgeBottom)
    .LineStyle = xlContinuous
    .Weight = xlThick
    .ColorIndex = xlAutomatic
End With
With Selection.Borders(xlEdgeTop)
    .LineStyle = xlContinuous
    .Weight = xlThick
    .ColorIndex = xlAutomatic
End With

```

EXHIBIT F

```
With Selection.Borders(xlEdgeLeft)
```

```
    .LineStyle = xlContinuous
```

```
    .Weight = xlThick
```

```
    .ColorIndex = xlAutomatic
```

```
End With
```

```
With Selection.Borders(xlEdgeRight)
```

```
    .LineStyle = xlContinuous
```

```
    .Weight = xlThick
```

```
    .ColorIndex = xlAutomatic
```

```
End With
```

```
End Function
```

## EXHIBIT G

```
Private Sub cmdCloseDailyTime_Click()  
ReportOption = 4  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdCloseTimePmtRprt_Click()  
ReportOption = 1  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdUpdtTmWORprt_Click()  
ReportOption = 2  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdUpdtAndCloseAllTm_Click()  
ReportOption = 3  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

```
Private Sub cmdCancelForm_Click()  
ReportOption = 0  
TimeUpdtRptGnrt.Hide  
Unload TimeUpdtRptGnrt  
End Sub
```

EXHIBIT B

[illegible]

EXHIBIT C

[illegible]





